

[Mr. President]

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which the Bill relates, shall be nominated as members of the Joint Committee by the House or Houses of which they are members."

(d) For sub-rule (4), the following shall be substituted:—

" (4) The total number of members of a Joint Committee shall not exceed 30 and on every Joint Committee, the number of members to be nominated by the Assembly and the Council shall be in the proportion of 2 : 1."

The motion was put and carried.

THE HON. SRI K. MADHAVA MENON :—" Sir, I move—

" that the amendments be passed."

The motion was put and carried and the amendments adopted.

The rule as amended was put and carried.

GOVERNMENT BILLS.

(1) THE MADRAS SHOPS AND ESTABLISHMENTS BILL, 1947

(L.A. BILL NO. 15 OF 1947)—*cont.*

MR. PRESIDENT :—" The House will now take up consideration of the Madras Shops and Establishments Bill, 1947, clause by clause."

Clause 2.

SRI B. NARAYANASWAMI NAYUDU :—" Sir, when the Bill was introduced we would have liked the Hon. Minister to give more information on the Bill. Now, Sir, with regard to the leave affair I would like to know whether the clerical staff in the factories are entitled to the 36 days' leave that a shop assistant is eligible under the Bill. Sir, if you refer to section 25, you will see, it says : ' (1) Every person employed in any establishment shall be entitled, etc.' And, Sir, the term ' establishment ' is defined in section 2 (6) as ' establishment ' means a shop, commercial establishment, restaurant, eating-house, residential hotel, theatre or any place of public amusement or entertainment and includes such establishment as the Provincial Government may by notification declare to be an establishment for the purpose of this Act.' That shows, Sir, that the clerical staff in factories is not eligible for the 36 days' leave. Now, Sir, the persons employed in the factories are governed by the Indian Factories Act. Now when this measure becomes an enactment, has the Government considered what will be its repercussions on labour in other provinces with regard to leave. I want to know whether the Hon. Minister or the Select Committee has considered this point."

MR. PRESIDENT :—" The word ' factory ' is also defined here."

SRI B. NARAYANASWAMI NAYUDU :—" Yes, Sir, but the point I raise is whether the clerical staff employed in factories are eligible for the leave contemplated in section 25. Of course they do not get that under the Factories Act."

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MR. PRESIDENT :—“ If they are not included in section 25 they are not eligible for such leave.”

SRI B. NARAYANASWAMI NAYUDU :—“ I want to know the policy of the Government, as the sections read together leave one in doubt and the factory-owners will be in a dilemma as to give or not to give the leave contemplated in section 25.”

THE HON. SRI H. SITARAMA REDDI :—“ Sir, in section 25 is given the institutions, to which Chapter VI applies, and if my hon. Friend reads that chapter he will find no mention of factories there. Hence, Sir, Chapter VI does not apply to factories. I do not see where the difficulty comes in.”

MR. PRESIDENT :—“ Are there any provisions which deal with other kinds of establishment? ”

SRI R. SURYANARAYANA RAO :—“ Section 2 (3) says what a ‘ commercial establishment ’ is.”

SRI B. NARAYANASWAMI NAYUDU :—“ I want to know are you putting factories in this Province under a different footing from the factories in other provinces? ”

THE HON. DR. T. S. S. RAJAN :—“ I do not know where this confusion comes in. We have not made this Act on a comparative basis with the Indian Factories Act.”

MR. PRESIDENT :—“ As I see, the difficulty is this : section 2 (3) takes in factory, whereas section 2 (6) does not take in factory, and section 25 refers only to ‘ establishment ’ and not ‘ commercial establishment.’ ”

THE HON. SRI H. SITARAMA REDDI :—“ But ‘ establishment ’ under section 2 (6) includes ‘ commercial establishment.’ ”

MR. PRESIDENT :—“ The hon. Member wants to know if it is the intention of the Government to extend this Act to the staff in the factories also.”

THE HON. DR. T. S. S. RAJAN :—“ The workers in factories are already covered by the Factories Act, Sir. The clerical staff will certainly get the holidays proposed in this Act. That is what is intended.”

MR. PRESIDENT :—“ Is it the intention? ”

THE HON. DR. T. S. S. RAJAN :—“ That is the intention, Sir.”

SRI B. NARAYANASWAMI NAYUDU :—“ The intention has been made clear, Sir, after discussion and after consultation with the Secretariat staff. It is very beautiful, Sir, to see how the Government is framing Bill after Bill and they are not answering a plain question I put : ‘ Do you include the staff of the factories? ’ They say ‘ yes ’ sometimes and ‘ no ’ sometimes and then vary it. ‘ Is that the way? ’, I ask with all humility. Was this principle in their minds when this Bill was framed? Did they consider the

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a.m.

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question of inter-provincial trade and how the inter-provincial trade will be affected? Did they make a comparative study of the cost of production in our factories and the cost of production elsewhere? Are they entitled to get such a piece of legislation passed without knowing what effects it will have with regard to the nature of production, cost of production, establishment, etc. From the answers given to-day we can see that the Government did not know its mind at all when the Bill was drafted. I do not want to go further. This is not a question which should be treated lightly where the inter-provincial trade is concerned. Were the factories consulted about it? The factories which are asked to give 36 days holidays were not consulted. The Bill is brought at 12 o'clock to-day and it is expected to be passed before 12 o'clock the next day. Is it a manthram to be manufactured and sent out for reproduction or is this legislation? I am asking in all seriousness. If I am using strong language I cannot help it. I must say what I feel. Here you have a legislation connected with production, distribution, staff, costs and all these things without working out the details. What is the use of passing manthrams?"

THE HON. DR. T. S. S. RAJAN :—“ It is the privilege of all Governments to be helped by the Secretariat and the Secretariat is meant to help the Ministers in piloting Bills. Whatever manthram might be in the mind of the hon. Member we are perfectly sure as to what we are doing. The Select Committee discussed the question and we made the whole Bill applicable to the staff in the factories. The question does not arise whether we consider the whole of India. This is only confined to the factories in this Province. (Interruption.) It is not a question as to whether I consulted anyone or not. The question is that we found such a legislation was necessary. The Bill was published in the gazette and it was put before the public. The question of holidays was accepted but the dispute was only about the quantum of holidays. The labourers wanted a certain number of holidays and the managements wanted a certain number of holidays. Between these two we came to a compromise and said that 30 days will be given. And that is exactly what is placed before this House. Originally it was 10 days and now it was changed to 12. 12×3 , 36 days have been given. There is nothing abnormal in it. In a legislation it is not a question of limiting the numerical figures that will have to be taken into consideration. We have to consider the objections that are raised and we have to satisfy the objections. It is on that basis we have provided the holidays. To go into the comparative cost of production between Province and Province is beside the point. The point is whether holidays are necessary and what is the number of holidays that should be given. (Sri B. Narayanaswami Nayudu: ‘When you fix the holidays you will have to consider the trade also.’) The whole question was whether there was a good case for holidays with wages. And then the question was whether there should be 10 days with pay or 12 days with pay. In some places poor labourers were not given wages for the days they worked on holidays. We did not want to perpetrate that injustice and by this Act

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we say that the employer is not empowered to deny the man pay if he took leave. We thought that the management should by law be made responsible to pay the man for the days he is not working and the law gives the worker a number of days on which he can absent himself and the period for which the management should pay. These are the two main things in this Bill and I do not see where the confusion comes in at all. The fundamental principle is made very clear. Are the poor labourers entitled to holidays? If they are entitled, are they entitled to holidays with pay? In the opinion of the Government they should be entitled for holidays with pay. That is how this Act has come about."

SRI B. NARAYANASWAMI NAYUDU :—" Is the Bombay mill owner giving 10 days holidays. If not on what grounds are the mill owners of the Madras Presidency compelled to give these holidays. How are you justifying the holidays with wages when your sister provinces with whom you are trading are not giving the holidays? We are trading with the Bombay mill-owners in the textile trade. Then we have the oil trade and there are other trades also."

MR. PRESIDENT :—" I think the point is clear. They want it, whatever might be the reason."

Clause 2 (16).

SRI B. NARAYANASWAMI NAYUDU :—" I move the amendment, Sir—

'that in clause 2 (16) the words "or where services are rendered to customers" shall be omitted.'

" I do not know why it is necessary. These words are not found in the Shop Act in England. I want a plain answer from the Government. I have in mind the advocates, the medical practitioners and the accountants and auditors. Do they come under this Act? Yesterday we had some discussion about this. Then it was said: we have got the power to exclude them. Is there an intention to bring them in? The whole thing is left in the air. In the definition in the Shop Act in England only this is found: 'any premises where retail trade or business is carried on'."

The amendment was duly seconded.

THE HON. DR. T. S. S. RAJAN :—" Then you will have to define business."

MR. PRESIDENT :—" I may mention for the benefit of the Hon. the Leader of the House who was not here yesterday, in the general discussion some hon. Member raised the question whether legal practitioners' offices will come under this sub-clause, and whether in such offices services were rendered to customers. Generally hon. Members of the House thought that a lawyer's office

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may not come under the definition of 'shop'. Now he puts the question whether it is intended to bring in all these services which are rendered by these three classes of people, the doctors, the lawyers and auditors will come under the Act also."

THE HON. DR. T. S. S. RAJAN :—"The question is this, Sir, that a shop means any premises where any trade or business is carried on or where services are rendered to the customers and includes an office and so on. It includes all the offices, Sir, where services are rendered. It is made very clear. Whether they are doctors or lawyers it does not matter. We must look at the unfortunate men who are working from morning till night. A lawyer may ask his clerk to work till midnight. He is a worker. It is only in this sense that we have included these things."

MR. PRESIDENT :—"The only difficulty is this. The learned professions cannot come under 'trade' or 'business'."

SRI B. NARAYANASWAMI NAYUDU :—"You have not told a medical practitioner about whom you want to legislate. Is it that you want to eat the fowl and therefore you kill it? Is that your principle?"

THE HON. DR. T. S. S. RAJAN :—"If you want to eat it you will have to kill it."

MR. PRESIDENT :—"Even the governmental opinion was that it may not include."

THE HON. DR. T. S. S. RAJAN :—"As one who had the responsibility for it in the other House I may tell this House that it does include offices of the lawyer and such other offices where men are made to work. This provision will cover all those workers."

SRI B. NARAYANASWAMI NAYUDU :—"May I know, whether in other countries the lawyers and the medical practitioners are subjected to this kind of legislation?"

MR. PRESIDENT :—"I must intervene at this stage. I cannot allow this alternate discussion to go on. If the hon. Member wants to speak let him speak for some time and then finish."

SRI B. NARAYANASWAMI NAYUDU :—"I say, Sir, if you want to legislate with regard to these lawyers it is criminal on your part to include them without notice and without their knowing anything about it. This is not a civilized way, it is brutal."

THE HON. DR. T. S. S. RAJAN :—"Whatever may be the idea of civilization in the minds of the hon. Member, I am interested in protecting these unfortunate people who are made to work without any protection whatsoever in the public offices or under anybody. As long as the worker is there, his hours of work should be regulated and as long as he works he should be paid the wages for his days' work. Whether he is under a lawyer or a doctor, as long as he is a worker and gets his wages he has got to be protected under the law. That is the purpose of this Bill. Are we to go on

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defining a lawyer, a barrister, a doctor and all these. What is intended is that every class of people whether they are clerks or other workers should be protected with regard to their hours of work, holidays, etc. Lawyers may keep their own establishments, doctors may keep their own establishments. All those people are being covered by this Act.

"Here it is specifically mentioned 'where services are rendered to customers and includes offices, etc.' The only difference is that the services rendered are different." 11-45 a.m.

MR. PRESIDENT:—"The two words 'trade' and 'business' cover the whole of sub-clause (16). The only question is whether the learned professions can be called trade or business."

THE HON. DR. T. S. S. RAJAN:—"It is clearly laid down in the Act as follows: 'where services are rendered to customers and includes offices, etc.'"

MR. PRESIDENT:—"The word 'business' has not been used so far in that sense. I think it might be a fruitful source of litigation."

THE HON. DR. T. S. S. RAJAN:—"It can be litigated if necessary. We shall make such corrections in the law which are necessary. We have taken all the care necessary and we have taken the advice of the legal pandits. If necessary, we will correct and improve it."

The amendment was put and lost.

Clause 2 was put and carried.

Clauses 3 to 6 were put and carried one after another.

MR. PRESIDENT:—"If any hon. Member wants to speak on any of the clauses which I am putting to the House, he may make his intention clear. Because I am putting these clauses to the House, it does not mean that hon. Members need not speak on them."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"I am sorry, Sir, I did not rise earlier. I should like the Government to explain why they have exempted themselves from these provisions."

MR. PRESIDENT:—"What clause does the hon. Member refer to?"

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"Clause 4, Sir. Is it contended that the services under the Government belong to a different category of human species? Now that the Hon. Minister has included the offices of people of the learned professions also among shops, I feel very indignant about it. He should have had the courtesy to remove them and have separate provision for such people. But now whether we are doctors or lawyers, our offices come under shops. If that is the object of the Government, I should like to know with what righteousness

[Dr. Sir A. Lakshmanaswami Mudaliyar] [8th November 1947] they have exempted themselves from the operation of the Act, and whether persons employed by the Government are not of the same human species as the persons employed by the men of the learned professions."

MR. PRESIDENT:—"I have already declared clause 4 carried. The Hon. Minister cannot now reply."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"It can be done in the third reading of the Bill, Sir."

Clause 7.

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Sir, I move my amendment^a to clause 7. I do not want in pursuance of the wish of my hon. friend Mr. Suryanarayana Rao to make any long speech. I just want the Government to fix the time so that there may not be any ambiguity about the time when people should come and at what hour people should leave their shops and offices or their places of employment. I suggest, Sir, that people should be asked to come at 9 o'clock in the morning and allowed to go away at 6 o'clock in the evening, so that they may have sufficient leisure for their own work, barring of course certain places where it is necessary for the people to work after 6 o'clock in the evening or before 9 o'clock in the morning. This is a very simple amendment and I hope the Government will accept this."

SRI R. SURYANARAYANA RAO:—"I rise to second the amendment. In the course of the first reading, I referred to the need for fixing the hours at which the shops should be closed. My hon. Friend has fixed the hour of opening and also the hour of closing. I have great pleasure in seconding the amendment. As I have pointed out, the Bombay Act fixes in respect of certain shops and establishments the hour before which they should close."

THE HON. SRI H. SITARAMA REDDI:—"The Bombay Act only says that no shop shall be kept open beyond 9 p.m. The whole object of the Government in not fixing the hours as contemplated in the amendment is that it will enable the Government to fix different hours for different kinds of establishments and shops. Clause 7 (2) says—

'Before passing an order under sub-section (1), the Provincial Government shall hold an inquiry in the prescribed manner.'

The object is to enable the Government to differentiate between various establishments so that they may not suffer by uniform hours of opening and closing. The object is to enable shops and establishments to carry on their trade without much hardship. If the

^a Clause 7.—In clause 7 (1) for the words from "or closed later than . . . in that behalf," the words "than nine in the morning or closed later than six in the evening" shall be substituted.

Sub-clauses (2) and (3) of clause 7 shall be omitted.

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amendment is accepted it will be a great hardship on some of the establishments. It is necessary for the Government to be able to fix suitable hours for various establishments."

THE HON. DR. T. S. S. RAJAN :—" One more point, Sir. The fundamental principle of the Bill is the hours of work and not the time of work. The workers must work 4 hours and then must have an interval of one hour before they begin to work again. If an establishment wants to work from 4 o'clock till 11 o'clock, it must have an opportunity of doing so. The fundamental idea is that people ought not to be made to work beyond 8 hours a day and beyond 4 hours without a break. That is why provision is made to give a little latitude to the establishments to work at any hour they please provided the fundamental rule regarding the total number of hours of work and continuous work is observed."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, I should like to point out . . ."

MR. PRESIDENT :—" The hon. Member has no right of reply."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I wish only to just point out that this may be made the general rule and there may be special rules for particular classes of establishments."

THE HON. DR. T. S. S. RAJAN :—" Yes, we can make rules."

Mr. Abdul Latif Farookhi's amendment was put and lost.

Clause 7 was put and carried.

Clause 8.

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, I move the following amendment :—

" At the end of the proviso to clause 8 the words " cinemas, drama companies and restaurants " shall be added."

Sir, this amendment is necessary in order that these people may not be penalized for working late hours in the night and for beginning work earlier in the day. It is only a very simple amendment and I hope the Government will accept it."

SRI R. SURYANARAYANA RAO :—" I formally second the amendment."

THE HON. SRI H. SITARAMA REDDI :—" Sir, Chapter II applies only to shops. As far as cinemas and drama companies are concerned they come under Chapter III. There is no need for the amendment. I oppose the amendment."

MR. PRESIDENT :—" Does the hon. Member press his amendment? "

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" What is the use of pressing the amendment? "

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THE HON. SRI H. SITARAMA REDDI :—"The provision that the hon. Member wants is already there in Chapter III."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"I do not press it, Sir."

The amendment was by leave withdrawn.

Clauses 8 and 9 were put and carried.

Clause 10.

SRI R. SURYANARAYANA RAO :—"I move, Sir—

'The word "ten" be substituted for the word "twelve".'

I do so, because the Government themselves have accepted this principle in regard to the Non-power Factories Bill, in section 20 (3). I am only trying to bring it in consonance with another piece of legislation of a similar kind. In the Factories Act also it is to be spread over 10½ hours or where the factory is seasonal, over 11½ hours. That is the amendment proposed to be introduced in the Factories Act. I do not know how the Government thought of 10 hours in the case of non-power factories and 12 hours in the case of shop assistants and others. I think, Sir, that 10 hours should be substituted for 12 as in the case of non-power factories."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"I formally second the amendment."

12 noon. THE HON. SRI H. SITARAMA REDDI :—"It is true that there is a spread-over of ten hours in the Madras Non-power Factories Bill. This Bill relates to shops and commercial establishments, and the work here is not so strenuous as in factories. Therefore, the latitude of a longer spread-over has been allowed in this Bill. Sir, I oppose the amendment."

The amendment was put and lost.

Clause 10 was put and carried.

Clauses 11 and 12 were put and carried.

Clause 13.

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"I move—

'In clause 13 (1) for the words "or closed later than . . . in that behalf" the words "than nine in the morning or closed later than six in the evening" shall be substituted.

Sub-clauses (2) and (3) of clause 13 shall be omitted.'

"The Hon. Leader of the House said at the beginning that there was no difference between a shop, lawyer's office, doctor's consulting room, etc. In that case, why should they not fix a time and ask every employee to come at nine in the morning and leave at six in the evening? It is not difficult for the Government to accept such simple amendments. Where the Government feel that the hours of work should vary, they have taken powers to fix different hours. But as a general rule, the shops may be kept open from nine in the

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morning to six in the evening. I don't know why the lawyers and others should not be prohibited from compelling the employees to work after six in the evening."

The amendment was duly seconded.

MR. PRESIDENT :—" I thought your idea was that ordinarily the hours might be nine in the morning and six in the evening subject to change whenever necessary. But the amendment does not give any latitude to the Government at all."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Where is the need for giving any latitude to the Government at all? In this case the Government should not have any latitude. They have got the power to vary the hours in the proviso dealing with restaurants, eating-houses, etc."

MR. PRESIDENT :—" The proviso allows only a quarter of an hour. If a man is given a cup of coffee, he should not be asked to go away without drinking it."

SRI B. NARAYANASWAMI NAYUDU :—" Suppose the Government take power to fix the opening and closing hour at 9 in the morning and 6 in the evening. Then a Police constable should not arrest a man beyond these hours and a vakil cannot come. All those things will arise."

THE HON. SRI H. SITARAMA REDDI :—" I don't think Mr. Narayanaswami Nayudu was serious in what he said. If he thinks that such legislation is necessary, he can bring in a non-official Bill embodying his ideas. (Mr. President: 'Do you agree?') Certainly not; we have different ideas.

" The amendment of my hon. Friend wants that sub-clause (3) should be omitted. If it is accepted, the Government will be powerless to fix different hours for different establishments, and the object which my learned friend has in mind will be frustrated. I wish to suggest that he withdraws this amendment."

The amendment was put and lost.

Clause 13 was put and carried.

Clause 14 was put and carried.

Clause 15.

SRI R. SURYANARAYANA RAO :—" I gave notice of a similar amendment to clause 10 and it was rejected. Therefore I do not propose to move the amendment."

Clause 15 was put and carried.

Clauses 16 and 17 were put and carried.

Clause 18.

SRI B. NARAYANASWAMI NAYUDU :—" It is said in clauses 17 and 18 that no child or young person shall be allowed to work. I want to know whether the employer's child also is included."

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THE HON. SRI H. SITARAMA REDDI :—" A child is a child, whether it is the employer's child or the worker's child." (Laughter.)

Clause 18 was put and carried.

Clauses 19 to 24 were put and carried.

Clause 25.

SRI R. SURYANARAYANA RAO :—" I move—

' In clause 25 (1) after the words " a period of twelve days " the following shall be added :—

" excluding festival holidays enjoyed by persons by custom or usage."

" Here also I have sought inspiration from the Non-Power Factories Bill which we will consider later. I do not know why the exclusion of festival holidays has not been included. I think the Government have overlooked this. Otherwise, why should they make a distinction between the employees in commercial establishments and non-power factories? Of course, the Hon. Minister will say that work in commercial establishments is easy-going and that in factories it is a hard job. But holiday is a holiday, and it should be available to all. Therefore I move this amendment. (Mr. President : ' I am afraid your intention is not quite clear. What is meant by " enjoyed " ? Somebody must give the holidays. ') It means holidays declared as such under the Negotiable Instruments Act. The words used in section 47 of the Non-Power Factories Bill are ' contract, custom or usage '. I left out the word ' contract ' because there is no contract that the worker shall enjoy holidays for Ayudha Puja, Bhogi and occasions like that, and have therefore adopted only the words ' custom or usage '."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I second the amendment."

SRI S. B. ADITYAN :—" I wish to draw the attention of the Hon. Minister to a difficulty which is bound to arise in the working of this section. This section provides for twelve holidays in a year. A factory consists of the clerical side and the workers' side. Earlier in the discussion it was pointed out that this Act would apply to the clerical side also. The actual workers in a factory are governed by another Act, namely, the Indian Factories Act. If I am not mistaken, the number of holidays provided by that Act is ten. So, the position will be that the clerical staff of a factory will get twelve holidays, whereas the workers in the same factory will get ten holidays. It was admitted by the Hon. Minister that the actual workers do a more strenuous job than the clerical staff. Anyway, it is desirable to have some sort of uniformity and I suggest to the Hon. Minister to bring up the number of holidays provided in the Indian Factories Act to the level provided for in this Act."

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THE HON. SRI H. SITARAMA REDDI :—" Mr. President, I shall first answer the amendment, Sir. The amendment is— 12-15

' In clause 25 (1) after the words " a period of 12 days ", p.m. the following shall be added :—

" excluding festival holidays enjoyed by persons by custom or usage."

' Sir, the intention of the Government is that festival holidays which are already enjoyed by workers should be continued and I would invite the hon. Member's attention to clause 50 of the Bill, wherein holidays which are already enjoyed are protected, and, therefore, there is no need for this amendment. Clause 50 of the Bill provides for the continuance of the holidays which are already in vogue, Sir."

SRI R. SURYANARAYANA RAO :—" It is better, Sir, to make it explicit here also that these holidays exclude festival holidays which the persons are already enjoying."

The amendment was put and lost.

Clause 25 was put and carried.

Clauses 26 to 40 were put and carried.

Clause 41.

SRI B. NARAYANASWAMI NAYUDU :—" Mr. President, I move that—

' In clause 41 (1) the words " except for a reasonable cause and " shall be omitted '.

" Sir, This section deals with the dismissal of employees, and states under what conditions the employees are liable for dismissal. The Bill as published originally contained the following provision with reference to this subject :—

' No person shall dispense with the services of a person employed without giving such person at least one month's notice or wages in lieu of such notice provided, however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose '.

" According to the original Bill, if an employer finds that his servant is not a desirable man and wants to dispense with his services, he can simply give him a month's notice and send him away. Instead, he can tell him, ' I do not want your services any more; take one month's wage and go '. That was according to the Bill that was published before. That has also been the practice all along in every establishment. Now the Select Committee has made certain modifications to that Bill. What mandate they had, or whose interest they had consulted, we do not know. The next day after the Select Committee met, we find this

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alteration made in the clause, namely, 'No employer shall dispense with the services of a person employed *continuously for a period of not less than six months, except for a reasonable cause* and without giving such person at least one month's notice or wages in lieu of such notice, etc. . . .'. The effect of this amendment is this. Suppose there is a clerk working in an establishment. The proprietor of that establishment cannot ask the clerk to go out by giving him a month's notice or a month's pay in lieu thereof. He will have to show him the reason why he is dispensing with his services. The clerk then shall have the right of appeal to such authority as has been prescribed in this Bill whether the cause that is adduced is a reasonable cause or not and if that authority decides that it is not a reasonable cause, he should be retained and continued in service. I am not referring to the question of misconduct, for misconduct is governed by another provision. The reasonable ground mentioned in this clause has to be judged not by the employer, but by the Inspector, or whoever is prescribed by the Government in this behalf. The employer must go to the Inspector and say, 'My servant has been very nice for the first six months. I found him hardworking, etc., but now he has begun to dodge and he does not write up accounts; he takes six hours to do what he has been doing in three hours; therefore, I do not want him in my service any more; you are the person to judge whether this is a reasonable cause or not; please say whether I can send him out.' If the Inspector says that this is not a reasonable cause in his opinion, then the employer must continue him in service. But that is not the case with the servant. If he is a good worker, he can get into the next shop and earn Rs. 10 more. He has no obligation to wait upon the Inspector and make this plea. It is only in the case of a bad and inefficient servant that all the troubles will arise.

"Sir, my hon. Friend Mr. Venkataswami Nayudu said that this Bill is one-sided. I am sure he has experienced and realized these difficulties as an employer. Here, in the instance given by me, we have a bad employee who is forced on the employer and whom the employer does not want to take back, if the Inspector decides otherwise. My whole submission is this. I ask the Hon. Leader of the House, Dr. Rajan, where did he get this provision from? Did he take it from the Shop Assistants Act of England, or did he take it from the Bombay Act, which, my hon. Friend Mr. Sitarama Reddi was saying, has been in force in Bombay from 1939? Does the Bombay Act provide such a thing? No. The Bombay Act does not contain such a provision, I know. The Punjab Act has been referred to by the Hon. Minister. If he is courteous, let him give me the Punjab Act, and I shall read the relevant provision in it for the benefit of the House. What does the Punjab Act say? It says 'No employer shall, without sufficient cause, be dismissed from service, unless and until one month's previous notice is given to him, or one month's pay in lieu thereof.' With or without reasonable cause, his services can be dispensed with."

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MR. PRESIDENT :—“ It must be reasonable cause and also one month's notice or one month's pay in lieu thereof.”

SRI B. NARAYANASWAMI NAYUDU :—“ No, Sir. According to the Punjab Act, if there is sufficient cause, no notice is necessary. You must give one month's notice only when there is not sufficient cause.

“ According to the present Bill, the Inspector has to Judge, whether the cause is reasonable or not and I can send out the servant only when the Inspector says so. If the Inspector says otherwise, I will have to continue him, even though I do not want him. That is the position to which the employer has been reduced to under this Bill, Sir. Sub-clause (c) of clause 41 says, ‘ The decision of the appellate authority shall be final and binding on both the employer and the person employed ’.”

MR. PRESIDENT :—“ The expression is : ‘ except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice.’ It means one month's notice or wages in lieu of such notice; it does not necessarily mean one month's wages only. What you are trying to make out is that even if one month's notice is given, there should be an additional ‘ reasonable cause ’.” 12-30 p.m.

SRI B. NARAYANASWAMI NAYUDU :—“ At present, I pay one month's wages, put a namaskaram and say to the employee, ‘ You may go.’ But you say he may get on, whether I pay him or not. He may be an undesirable person; trade must prosper, I suppose, even with certain persons; a family must prosper even with an infidel wife and business must prosper even with an infidel employer. This provision has been introduced by the Select Committee in the course of one day. The Bill says that the employee can go and complain; but what about the employer? The employee can go to another shop and get a job on Rs. 5 more and he can also have a right of appeal; but there is no question here about the employer. It means that the man who is efficient can go to another shop but the drone of a worker who won't work will have to be kept on. The man who is capable and can earn his bread, he will go and the man who will never work under any circumstances will continue. Even a labour legislation cannot go further than this. I want to know on what authority the Select Committee has made this provision; I want to know whether there is any parallel to it; are we to be saddled with servants who will not work or obey us? Or are we to go to the Inspector and say ‘ Well, this man won't work, won't obey, will you please give me authority to ask him to go out? ’ Is that the plight to which employers in this province should be reduced? Almost every person who has a clerk will be in that unenviable position; he will have to depend on the Inspector if he wants to take another clerk in the place of one who is a regular dodger or an unfaithful man. There are workers who are nothing but dodgers. You find many workers nowadays who go on pretending to work hard; but in the end you will find not much work done; there are such dodgers.

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Are you satisfied that these workers who are given eight hours do wholehearted work? Are you not satisfied that the working population of this province consists of more dodgers than real workers? (The Hon. Dr. T. S. S. Rajan; 'No, Sir'.) You are running a farm yourself, you must know. (The Hon. Dr. T. S. S. Rajan: 'I know how to work it.') You know; why all this dodging business, I ask? We want to have the discretion to have a good servant; if you do not want us to have that power, why not you say so in public? Why should it be done in the Select Committee like this? Under what authority did the Select Committee alter the original Bill, making the servant the master? Is there any sense in it, I want to know? It is all a question of business; it is not a question of laughter. I am here reminded of the story of John Gilpin which I read in my younger days. He wanted to go with his family to a picnic party; the coach could contain only four and the children, and he could not go in the coach itself; therefore, he hired a horse; the coach first went to a hotel. He got upon the horse. The horse knew what sort of man he was; it would not go to the hotel; it went to another place and threw him down; he asked another man to put him back on the horse; and this time again, the horse went not to the hotel but came back to the house. Let me ask in all humility, Sir, may it not be said of this Government what was said of John Gilpin, viz., that he did not ride the horse but that he was ridden by the horse."

DR. V. K. JOHN:—"Mr. President, Sir, I very strongly support this amendment. In fact, I referred to this in my speech yesterday on the general principles. First of all, let us understand the provision. The provision is that no employer shall dispense with the service of a person employed unless two conditions are satisfied; that is, first that there must be reasonable cause, and the second is that he must be given one month's notice or one month's wages in lieu of such notice, even though there may be reasonable cause. Another provision which we have to remember is that the person employed shall have a right to appeal and the appellate authority is prescribed by the Government. He cannot go to a court of law unless the court of law itself is the appellate authority; and the decision of that appellate authority is final. That decision may say that this man should not have been dismissed but should remain. Look at section 45, there is a penalty for it. So, if a person dispenses with the service of an employee for his own reasons, and at the same time is willing to give notice of termination of services or offer to the employee damages for so dispensing with his service, i.e., by paying one month's notice or one month's wages in lieu of such notice, and the appellate authority comes to the conclusion that he should not have dismissed him because his reasons are not satisfactory, then he will be made to pay a fine. Have the Government ever thought of the principle that nowhere in the world is there any rule that an employer shall not dispense with the services of his employees? I can understand if the dismissal is wrongful, damages can be

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claimed; but if he is to remain, is he to sit in his seat and exercise authority? Suppose the Government dismiss a Superintendent of Police in charge of a district; can he say 'I am not dismissed for reasonable cause; I will wait until the proper authority decides whether there is reasonable cause or not and I will continue to sit and exercise authority'? Again, the manager of a shop may have to exercise authority in a shop; the law says you cannot dismiss that manager. I can understand the law if it says you can dismiss him but must pay him damages; in some cases you may also have to pay exemplary damages; but nowhere in the civilized world, nowhere in any statute can you find any provision that an employee will continue in spite of the fact that the employer does not want him, and in addition, that the employer should pay a fine. Is it not sufficient to pay that employee one month's pay as damages? I am trying to explain the law as laid down by the highest authorities in England and India. The law is this: if there is a wrongful dismissal by an employer of an employee, then the employee is entitled to damage for breach of contract and that damage is the damage that flows as a natural result from the breach of contract. If the employee walks out and gets a job the next day, he does not suffer at all; but if he is unable to get a similar job for six months, then he is entitled to six months' pay. Therefore, the courts have laid down that in the case of inferior officers, it is easy for them to get a job within a month normally and in such cases the Court will normally give one month's pay as damages. In the case of senior men, say assistants, the courts have said they are entitled to three months' notice. If again the employee is a director or a managing director, the law lays down that the measure of damages should be six months' pay in lieu of notice. So, the first principle is that no law should lay down that in the relationship between an employer and employee, an employee cannot be dismissed at all. This House can pass a law that if a clerk is dismissed, the shop-keeper should give him Rs. 1 lakh as damages; but you do not say so. This law says if you dismiss this clerk, you must keep him in your shop; you must allow him to pry into all your secrets and you must allow him not to work at all but get his pay from you. Have the Hon. Minister and the members who are responsible for this doctrine, and even the Members of the Select Committee ever realized this fundamental and the elementary principle of law? The law that has been administered in this country for ages provides for damages for wrongful dismissal of a servant, i.e., one month's pay in the case of inferior service men, and three months' pay in the case of assistants. That being the case, what do we find in this Bill? The people responsible for it are ignorant of the elementary principles of law administered for ages in this country. Have they not their legal advisers to advise them? I submit, although there may be difficulties, although there may be the question of prestige this is an atrocious piece of legislation which says to the employer, "You keep your employee, never dismiss him". Have you ever heard of such a thing in any part of the world? Let the public know what this Ministry is doing in this

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case? I submit once again, this is an atrocious piece of legislation which they have introduced; either the Select Committee or somebody has thoughtlessly done it ignoring the provisions of the law, in ignorance of the practice obtaining in the country. I said yesterday what law is. Law is the idea of right and wrong in a community. What the community holds as right, you enact as a piece of law for the guidance of the whole community and its obedience. Can you produce one employer who will agree with the Government? Can you produce one employee who takes up the position he cannot be dismissed by his employer. Sir, I have got many clerks in my office and I am dealing with clients. Suppose one of my clerks misappropriates some money in connexion with a litigation which may involve some lakhs. Suppose I want to dismiss him although I cannot prove he has misappropriated. He may go to the appellate authority and say that there is no sufficient cause for dispensing with his services. So, is it not for us to define properly what is sufficient cause? You go on copying definitions after definitions, creating definitions after definitions, but in a most important matter like this, you have not defined what is sufficient cause. I do not know who will be the appellate authority provided in the section. He may be an Inspector or a head constable or even a clerk and he may not be a lawyer at all to understand what is sufficient cause. So, in an important matter like this, we are made parties to a legislation, including hon. Members sitting opposite. We are made parties to a legislation which is against the consensus of opinion of the people in the country. The Hon. the Minister will say that it is merely a reproduction of some other Act. But there is no Act similar to this. But what is the wording here. It is 'no employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice.' Sir, no court of law will say that an employer should not dismiss an employee. The Government may ask the employer to pay damages if there is any wrongful dismissal but they cannot say that the employer cannot dismiss an employee. I therefore want this section to be cleared up. I submit that if this amendment given by one member of the Opposition does not go through, it will only show obstinacy, perversity and injustice."

THE HON. SRI K. MADHAVA MENON:—"Sir, I would plead for a little bit of dispassionate consideration and let there not be any emotion or sentiment or excitement in this matter."

MR. PRESIDENT:—"Will the Hon. Minister like to hear Mr. Ramanatham Chettiyar also before he replies?"

THE HON. SRI K. MADHAVA MENON:—"I am only proceeding with the debate and I am not replying, Sir. Mr. Narayanaswami Nayudu rightly said that it is a matter of psychology. It is a matter of psychology, Sir, with some people and they cannot still give up their ideas of master and servant (Sri B. Narayanaswami Nayudu: 'Husband and wife!') that we are having for

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generations. We have been having a feeling that one particular class are only fit for service, and that class can only be servants to be treated in a particular manner. We cannot forget that we are all human beings and that there is a sort of equality, which we expect. Is it taken for granted that a certain class of people should receive a certain kind of treatment? So, Sir, that psychology of master and servant is still there and it has been there for generations."

SRI B. NARAYANASWAMI NAYUDU :—" It has been developed in jails."

THE HON. SRI K. MADHAVA MENON :—" Whether it is developed in jails or elsewhere, I plead with my hon. Friend, Mr. Narayanaswami Nayudu, that in these matters, we should change our feeling because, the people, whom we call servants, the shop assistants as stated in the Bill, are also human beings."

SRI B. NARAYANASWAMI NAYUDU :—" They are masters."

THE HON. SRI K. MADHAVA MENON :—" There is now an alarming progress which is revolutionary against civilization itself. Dr. John says it is the psychology of a civilized nation, and what other words in the dictionary he has not used in condemnation. He has not left anything. We shall now analyse this clause a bit and see what it exactly contains and whether it is very objectionable. My hon. Friend wanted to make out two or three points regarding notice and dismissal of an employee. It is stated in this Act that no employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice. The object here is that an employer should not dismiss his employee without proper reason. I appeal to your reason and ask, what is wrong in asking an employer that he should not dismiss his servant without proper reason? As a reasonable man, I cannot understand any objection to this, and we are all agreed that proper reason should be assigned for dismissing a person. But, the amendment of Mr. Narayanaswami Nayudu says: 'Omit the words "except for a reasonable cause and"'. If these words are removed, then it will be left to the whims and fancies of an employer to dismiss his servant. Suppose an employer has engaged a faithful man for twenty-five years and suppose one fine morning, he says to his servant 'I do not want you', what will be the position of such an employee? He might have served him faithfully for the whole of his life and such a man should not be asked to leave service all of a sudden by taking one month's pay. It is not fair. Mr. Narayanaswami Nayudu gave us the story of a horse which went its own way. I may also remind him of the story of another horse. Once a king had given directions to his people that if there was any injustice, they should ring up the bell tied in front of his palace when he would come out and personally attend to their grievances. One day, a horse went near the palace and seeing the green rope with which the bell was tied, taking it to be grass, pulled it, with the

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result the bell rang and the king came and saw merely the horse but received no complaints! So, such powers are arbitrary. I may tell my hon. Friend, Dr. John, that there are, in fact, several cases of dismissal without proper reason and many suits have also been filed in courts for wrongful dismissals."

DR. V. K. JOHN :—" If I pay him a lakh of rupees as compensation, there may not be any case."

THE HON. SRI K. MADHAVA MENON :—" There are certain cases which cannot be compensated with money. Money cannot bring anything and there are certain things which money cannot do. Again, it is stated that an employer cannot dispense with the services of a person employed continuously for a period of not less than six months."

SRI B. NARAYANASWAMI NAYUDU :—" The employer will try to dismiss him before six months."

THE HON. SRI K. MADHAVA MENON :—" Nobody will do it because it will not be in the interest of the employer himself. Again, objection was taken to the words that the employer should give at least one month's notice or wages in lieu of such notice. But there is a proviso added to this which says : ' provided, however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.' So, where there is proved misconduct, no notice is necessary. If there is any misconduct, supported by satisfactory evidence, in such cases, the employee can be dismissed without any notice."

DR. V. K. JOHN :—" Satisfactory to whom? . . ."

THE HON. SRI K. MADHAVA MENON :—" Dr. John says that this provision enables the employee to dismiss an employer. An employee cannot dismiss an employer. I do not think there is any such case. It is only the employer who dismisses the employee. Again, Dr. John said that no suits can be filed in a court of law about dismissals without giving notice. It may be the experience of my hon. Friend but it is within my experience that many suits have been filed for mandatory injunctions for the retention of their posts where persons have been dismissed arbitrarily, and the courts have issued temporary injunctions and have also been executed in many cases. Again, he said that the clause about notice cannot be given effect to in practice. But, the contract of service is presumed, when once you employ a man for a particular purpose. Shop assistants are a class of servants that deserve consideration. They are also human beings and they are entitled to certain rights and certain privileges and they should not be dismissed without assigning proper reasons. It is not fair to dismiss a person according to the whims and fancies of a particular employer. So, the Government wanted to give them a sort of security of service. When we

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are pleading for the security of service of other classes of servants, why not the security of service of shop assistants also be conceded? "

SRI B. NARAYANASWAMI NAYUDU :—" It is within the jurisdiction of courts."

THE HON. SRI K. MADHAVA MENON :—" The question of courts does not arise. My hon. Friend, Dr. John, said that lakhs and lakhs of rupees may be involved. But, for such cases, there is the section about misconduct. Here the question of jurisdiction of courts does not arise."

MR. PRESIDENT :—" I think the Hon. Minister concerned will answer those points. If the Hon. Minister has got any fresh points, he can bring forth."

THE HON. SRI K. MADHAVA MENON :—" I have not got much more to say. There need not be any alarm about the words 'reasonable cause' and it is absolutely essential that the words 'except for a reasonable cause' should be there."

* SRI S. A. S. Rm. RAMANATHAN CHETTIYAR :—"தலைவர் அவர்களே, இப்பொழுது ஒருமாதம் நோட்டீஸ் கொடுத்தும் ஒரு மாத சம்பளம் கொடுத்தும், காரணங்கள் வைத்து di miss பண்ணினால் அப்படி dismiss செய்தபிறகு அப்பீல் முடியும் வரை வேலையில் இருக்கவேண்டுமா என்று ஒன்றும் தெரியவில்லை. அவரை கட்டையில் வைத்திருக்கலாமா என்று தெரியவேண்டும். இது ஒரு முக்கியமான சமாசாரம். இதை யோசிக்கவேண்டும். இரண்டாவதாக கவர்ன்மெண்டார் இந்த மாதிரி பெரிய முக்கியமான வேலை சம்பந்தமான ஒரு சட்டம் இது வரையில் கொண்டுவரவில்லை. யாரை நியமித்தாலும் அவரைக் கட்டுப்படுத்த முடியாது. வியாபாரிகளெல்லாம் 4, 5 பேர்களை வேலையில் வைத்துக்கொண்டவர்களை கட்டுப்படுத்திவிட்டேயாது. அந்த மாதிரி பழக்க வழக்கமும் கிடையாது. இது வரையில் இப்பொழுது கொடுத்திருக்கிற தோல்வியை Smday leave கொடுத்தது கிடையாது. இந்த பில் ஆரம்பிக்கிறதைப் பார்த்தால் ஒருவரை வேலையில் இருந்து நீக்கக் கூடாது. அப்படி நீக்குவதாக இருந்தால் சம்பளம் கொடுக்க வேண்டுமென்றிருக்கிறது. இன்ஸ்பெக்டர் நியமிக்கப்படுவர் என்று சொல்லப் படுகிறது. இன்ஸ்பெக்டருக்கு எவ்வளவு சம்பளம் கொடுக்கப்போகிறார்களோ தெரியவில்லை. ஒரு B.A. B.L.ஐ நியமிக்கப்போகிறார்களோ அல்லது service-ல் இருக்கிறவரை நியமிக்கப் போகிறார்களோ தெரியவில்லை. அப்படி நியமிக்கப்பட்ட இன்ஸ்பெக்டரின் நிலைமை பூராவும் நமக்குத் தெரியும். இதைப்பற்றி நான் அதிகம் சொல்லக் கூடாது. இந்த மாதிரி நிலைமையில் ஜனங்களுக்கு நல்லது பண்ணுவதாக நீனைத்துக்கொண்டு கஷ்டத்தைக் கொடுக்கவேண்டாம். குளிக்கப்போய் சேற்றை பூசிக்கொள்ளக் கூடாது. வியாபாரிகள் தொழிலாளியாகவும் தொழிலாளிகள் வியாபாரிகளாகவும் வரப்போகிறது என்று சொல்லிக்கொள்கிறார்கள். அதற்கு அநுசரணமாக இது காட்டுவதாக இருக்கிறது. Select Committee-ல் எதைச் செய்தார்களோ அதையே செய்யவேண்டும். ஒரு அட்சரம்கூட திருத்தக்கூடாது? திருத்த வேண்டியவைகளை மீட்டிங்கில் பார்த்து பண்ணவேண்டும்."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Sir, I strongly support the amendment moved by my hon. Friend, Mr. Narayanaswami Nayudu, viz., the omission of the words 'except for a reasonable cause.' With regard to these shop assistants, the relationship of the master and servant depends not only on the

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merit and ability of the assistant but also on various other considerations. For instance, there is the mutual trust and confidence without which the relationship between the master and servant cannot be cordial. Otherwise, how can the master feel that his business will be carried on properly? Again there may be the question of compatibility or incompatibility of temperament. We know that even the relationship of the husband and wife is terminated on the question of incompatibility of temperament and this is the case in all civilized countries of the world even to-day. After all, how can a man and his wife get on if they do not find themselves that they can live together for any considerable length of time and if they cannot get on together, they must naturally be separated. Similarly, the relationship between the master and servant is only a contract, not an indissoluble contract, though this Government want to make it indissoluble. How can you get on in such circumstances and can any decent business be carried on in any country if the relationship between the master and the servant is made permanent? You say, no employer shall dispense with the services of a person employed under him except for a reasonable cause. You have not defined what is meant by the term 'except for reasonable cause.' For instance, incompatibility of nature must be considered a reasonable ground. There may also be reasons which the master cannot give out for obvious reasons; it may be a question of giving out the secrets of his trade, and there may be other factors which he may not be willing to give out for fear that his business will be greatly jeopardized. Well, Sir, it is for this purpose the words 'except for a reasonable cause' should be omitted from the clause and the provision in the Punjab Act may be restored. Sir, it would certainly be very difficult for any human being to carry on his business if he cannot have even the right of employing the person he likes for the purpose of carrying on his business, because a man to whom he wants to entrust his business must be a man in whom he can have the fullest confidence and he cannot be explaining to the Government why he could not place any trust or confidence in any particular person. It is left to him because it may be a matter of sentiment and every one knows that sentiment plays a very great part in guiding and shaping human beings. One may feel what sort of person may be able to carry on business in a proper manner but he may not be in a position to give out the reason to the authorities concerned if he does not like him. What will be the fate of the employer if such a man is foisted upon him for all time to come and for whom he will have to pay? Not only that, Sir, and as my hon. Friend put it, the servant may not after all be of any use if he pries into his master's secrets and conveys them to others which it may be difficult for him to prove to the satisfaction of the authorities. Therefore, Sir, it must be a legal contract and the employer must have the right to dismiss his servant if he does not like him. Again, Sir, my Hon. Friend, Mr. Madhava Menon said that a man might serve his master for 25 years and if he is suddenly asked to get away, what would be his position, he asks. Well, Sir, I may tell him that no reasonable employer will dismiss a man who has served him for 25 years. Sir, there is always the question of trust to be considered in these matters,

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because trust begets trust and he cannot carry on with his servant if he goes on suspecting him instead of reposing implicit confidence. Have you made any provision for pinning the servant to the master? You are on the other hand pinning the master to the servant. A servant may even go away without giving even one month's notice, because he does not feel any necessity to do so and this provision will be a source of the greatest blackmail possible so far as the servant is concerned. If you want to make any provision for safeguarding the rights of servants who have been in service for a considerable length of time, you may do so by providing for Provident Fund or old age pension.

"It is said, Sir, that no employer can dismiss a person who is employed continuously for a period of not less than six months except for a reasonable cause. I want to ask whether employment under contract is exempted from the scope of this provision? Supposing a master engages a servant for a period of six months or one year? Can he enforce his contract or will it be a permanent liability in respect of the contract entered into between the master and the servant? (The Hon. Sri K. Madhava Menon: 'That will come under the Contract Act.')

"Sir, I strongly support the amendment of my hon. Friend and I would appeal to the Government to give consideration to the views expressed on this side of the House and not take time to see whether the amendment is reasonable or not. They should not think that everything coming from the other side of the House cannot be accepted and that whatever is proposed by them must be taken as gospel truth and that the whole Bill should go into the Statute Book without the alteration of a comma or a word."

K. UPPI SAHIB BAHADUR :—"Sir, . . ."

MR. PRESIDENT :—"I think enough has been said on the amendment."

K. UPPI SAHIB BAHADUR :—"Sir, generally I do not take much time. I will only take a few minutes, Sir. One feels that the Government themselves are in a fix with regard to this section. Even in the drafting of the section, we feel that they have also recognized the unreasonableness of it. It is an unnatural section, because you ask a man to employ in his service one in whom he has got no confidence. Sir, nobody dismisses a servant for nothing except for a real cause. The psychology behind all this legislation seems to be to drive out all ancient customs. On account of the artificial methods of such enactments, the relationship between the master and servant which has been all along existing in a natural manner, is changed. Psychologically we have changed, the times are changing and consequently the relationship between the master and the servant also is changed. What will be the position of a man if you ask him to take a servant in whom he has lost all confidence? Will they trust each other? The result will only be they will become worse enemies. Instead of creating mutual goodwill between them, the result will be hatred with each other. So,

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Sir, I appeal to the Government to accept this very reasonable amendment. Of course, I quite realize their difficulty in not being able to accept the amendment, because if they do so, they will have to take it to the other House and go through all the paraphernalia again. I would, however, request the Government, instead of creating an atrocious situation in the country between the master and servant, to accept the amendment and amend the Bill accordingly. Of course, there is no urgency for passing this now and nothing is going to happen if you take a few more days over it. I, therefore, once again appeal to the Government to accept the amendment in view of its reasonableness and not to stand on mere prestige."

THE HON. DR. T. S. S. RAJAN :—" Sir, a lot of unnecessary heat has been created by powerful advocates about this most innocent thing. Questions of psychology, civilization, human nature, I do not know, what else, have been brought in and some sort of rigmarole and abstract arguments, one after another, have been piled against this one simple statement of fact that this is a labour legislation intended to protect the under-dog, a man who has been for ages under the tyranny of all civilization. So many things have been said. What is it that is provided in this Bill?

1-15
p.m.

" It is not that an employee should be dismissed by payment of Rs. 30 or Rs. 40 that is meant here. If you want to dismiss an employee, you have to show sufficient and reasonable cause. The idea of the Government is to protect the employee as well as the employer. It is not as if an employer cannot dismiss a man employed under him. It is not as if that a right of his is prevented. Most of the hon. Members have missed this point. They have to show reasonable cause. That is all that is required. These words 'show reasonable cause' need not have made our friends so apprehensive. There is nothing wrong in sending his servant out. It is not as if that every shop assistant and employer should go to court on this issue. This is not a big issue on which this House should divide itself. If it is a big and important issue, then there is some meaning. It is not as if we are going to divide on a constitutional issue of the relationship of the two Houses. This Bill has been brought up for the purpose of protecting the worker to a reasonable extent, i.e., simply because a man is employed under somebody, he should not lose his self-respect and there should be the dignity of labour. He is not your slave because he is employed under you. It is therefore not proper to send him out without showing a reasonable cause. It is all a simple thing. It is not that we are penalizing the employer in any way. If we take away this clause, anybody can be sent away without sufficient cause by the payment of a month's wages. It is that we want to avoid. I do not understand why there should be so much argument about this. It would be a glaring injustice if we accept this amendment and so Government cannot accept the amendment."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" There are many Government servants who are employed on a temporary basis. How are you going to give them protection? "

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THE HON. DR. T. S. S. RAJAN :—" I may inform the member that Government servants are the most protected persons in the world, particularly in the present circumstances."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" That is what they deny, Sir."

MR. PRESIDENT :—" I will put the amendment to the vote of the House—

' in clause 41 (1), the words " except for a reasonable cause and " shall be omitted '."

The amendment was declared lost.

A poll was demanded and the House divided thus :

Ayes.

- | | |
|--|---|
| (1) Sri H. M. Jagannatham. | (6) Dr. V. K. John. |
| (2) „ R. Suryanarayana Rao. | (7) Sri A. Gopalakrishnayya. |
| (3) Hamid Sultan Maricair Sahib Bahadur. | (8) „ B. Narayanaswami Nayudu. |
| (4) Dr. Syed Tajuddin Sahib Bahadur. | (9) Dr. Sir A. Lekshmanaswami Mudaliyar. |
| (5) Abdul Latif Farookhi Sahib Bahadur. | (10) K. T. M. Ahamed Ibrahim Sahib Bahadur. |
| | (11) K. Uppi Sahib Bahadur. |

Noes.

- | | |
|--|---|
| (1) Sri B. Veeraswami. | (10) Sri S. A. S. Rm. Ramanathan Chettiyar. |
| (2) A. S. T. F. Rodriguez. | (11) „ L. Subbarama Reddi. |
| (3) Sri C. N. Muthuranga Mudaliyar. | (12) „ B. Bheema Rao. |
| (4) „ S. Jayaram Reddiyar. | (13) „ K. Venkataswami Nayudu. |
| (5) „ M. K. Sundararama Ayyar. | (14) „ N. Venkatachalamaji. |
| (6) „ C. Perumalswami Reddiyar. | (15) „ N. Sankara Reddi. |
| (7) The Hon. Sri K. Madhava Menon. | (16) „ S. K. Satagopa Mudaliyar. |
| (8) The Hon. Dr. T. S. S. Rajan. | |
| (9) The Hon. Sri O. P. Ramaswami Reddiyar. | |

Ayes 11 ; Noes 16.

The amendment was lost.

SRI B. NARAYANASWAMI NAYUDU :—" After what has been said I suppose that employees under contract for one year can be terminated at the end of the one-year period."

MR. PRESIDENT :—" That is a reasonable cause and so there is nothing wrong in their being sent out."

Clauses 41 to 53 were one by one put and carried.

Clause 1.

SRI B. NARAYANASWAMI NAYUDU :—" Sir, I move that—

' in clause 1 (3) (a) the words " and in all panchayats constituted under the Madras Local Boards Act,

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1920, which for the time being are classified by the
Provincial Government as major panchayats on such date
as the Provincial Government may by notification appoint''
and sub-clause (b) of clause 1 (3) shall be omitted.'

Sir, when it was raised in the Select Committee that these panchayats should not be included, Government said there is nothing about it. These major panchayats which are quasi-rural in character are to be included in this provision. There is no consultation with these people. Suddenly a Select Committee is convened and within twenty-four hours the Bill is published. You do not consult what are the conditions of labour there and the Minister says there is nothing in it. I say, Sir, you may do as you please."

1-30
p.m. SRI A. GOPALAKRISHNAYYA :—" I second the amendment, Sir."

MR. PRESIDENT :—" Have you spoken on both the amendments? "

SRI B. NARAYANASWAMI NAYUDU :—" Yes, Sir."

THE HON. DR. T. S. S. RAJAN :—" Sir, this clause reads--

' It shall come into force in the City of Madras, in all the municipalities constituted under the Madras District Municipalities Act, 1920, and in all panchayats constituted under the Madras Local Boards Act, 1920, which, for the time being, are classified by the Provincial Government as major panchayats, on such date as the Provincial Government may by notification appoint.'

The Government have taken powers to extend the provisions of this Bill to all the shops and shop assistants in the major panchayats and municipalities. This is a Bill which is meant for the amelioration of the working classes, who are found in all parts of the Province—panchayats big and small. Government have taken power to enforce the provisions of this Bill wherever it is necessary. We do not want to pass an Act again for the sake of major panchayats. We have taken power to enforce the provisions of this Bill wherever there is need. It is only that and nothing more."

The amendment was put and lost.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI H. SITARAMA REDDI :—" Sir, I move—
' that the Bill be passed into law '."

MR. PRESIDENT :—" You must say something more; I think you promised to do it."

THE HON. SRI H. SITARAMA REDDI :—" Sir, this Bill had been discussed at great length at the time of introduction, and the various clauses also have been fully discussed. The points raised by hon. Members have been answered. There is no need for further elucidation."

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MR. PRESIDENT:—"The point raised by Dr. Lakshmanaswami Mudaliyar—'why do you exclude yourself?' has not been answered."

THE HON. DR. T. S. S. RAJAN:—"The only thing is Government cannot apply the Act to themselves. Government are in a position to legislate for other people, and they have absolutely no reason to apply this Act to their own servants, because Government servants are so well protected. It really does not look as if any protection is required."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"Does the Factories Act apply to Government factories or not?"

MR. PRESIDENT:—"You may speak."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"I am going to speak, Sir."

SRI R. SURYANARAYANA RAO:—"Sir, I am really surprised at the position taken up by the Hon. Minister. The Government have to set an example to others. Instead of that, they exclude themselves from all legislation, simply because they have a majority they can get this Bill passed, and enforce it on others. I do not think it is fair. The hon. Dr. Lakshmanaswami Mudaliyar said, whereas the Factories Act is applicable to all concerns whether they are Government or non-Government, this Act is being made applicable only to non-Government establishments. Why only the Central and Provincial Governments, local authorities, the Reserve Bank of India, and a number of other institutions should be excluded? As you are aware, even the Reserve Bank of India employees have their grievances. They went on strike. They are not assured of the privileges that are given under this Bill. Why should the Reserve Bank of India or other establishment be excluded, I do not understand. It is really a discriminatory legislation, a legislation to which Government should not have been a party, because they must set an example to others before they ask others to remedy the conditions under which people work."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"Sir, I had no intention to speak on the third reading of the Bill, but the interpretation given to this Bill by the Hon. the Leader of this House this morning has taken my breath away. Yesterday, I thought that certain of the learned professions at any rate would not be brought within the scope of this Bill. But, to-day for the first time the Leader of the House has come and told us that the medical profession is included, the legal profession is included, and that a medical man who keeps a consulting room, keeps a shop! I feel very humiliated, Sir, that one of the most distinguished members of my own profession has thought it proper to define a medical man's consulting room as a shop. I shall not worry myself about that particular interpretation at present whatever the humiliation may be. Now, I have tried to examine this Act in the light of the fresh interpretation that has been vouchsafed to us by

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the Leader of the House, that is, any medical practitioner who keeps a dispensary with two, three or four persons, is keeping a shop. What will be the effect of this particular interpretation? Clause 8 says—

'Save as provided by or under any other enactment for the time being in force, no person shall carry on, in or adjacent to a street or public place, the sale of any goods after the hour fixed under section 7 for the closing of shops dealing in the same class of goods in the locality in which such street or public place is situated.'

Suppose there are three or four dispensaries. You are aware, Sir, that some practitioners do have small dispensaries to dispense medicines for their patients who come to them. Supposing at about 8 or 9 in the night, a patient comes running up to me and says 'my son (or daughter) has got such and such complaint,' and I want to give him some medicine, I will be infringing this Act by giving that particular medicine and charging him for it. I cannot help charging him, because I cannot give him medicine free. Sir, it may be something even much worse than this. Under this particular clause, a practitioner who wants to practise and do his duty by his patient cannot obviously do so. Take again clause 11 (1), which says—

'Every shop shall remain entirely closed on one day of the week which day shall be specified by the shop-keeper in notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shop-keeper more often than once in three months.'

It looks a little bit ridiculous. I know it is not possible to enforce a legislation like this. If you do it, you will suffer the fate of Canute of old. What does this clause mean? Does it mean that the dispensary should be automatically closed for one day in the week, that no patients should be looked after, and that nothing of dispensing should be done? The medical profession is not like some other professions. I do not make any special plea at all for the sake of those who are following that profession, but we have got to realize the fact that they have got the larger interests to serve. That is why in regard to the medical profession many of the provisions which apply to others may not apply. You can disturb medical men at any part of the night. They may have to work all the seven days in the week. Most of us have had to work not for the sake of reward. Let me tell hon. Members that they need not think that it is a money-making profession. We know our responsibilities—whether it be as Government servants, or whether it be as private practitioners, or whether it be as people owning nursing homes—when the life and safety of the individual is concerned. And this Act wants us to completely close our shops—an expression that is still pricking me in my heart—for one day of the week.

"Take again, Sir, clause 13 (1), which says—

'Save as provided by or under any other enactment for the time being in force, no establishment shall on any day be

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opened or closed later than such hour as may be fixed by the Provincial Government by general or special order in that behalf.

I quite agree that the Provincial Government may exempt anybody from the operation of this rule, but still the imputation is that there must be some restriction on the hours of practice with regard to a medical practitioner who keeps a dispensary. Is that the intention of the Act? To-day, the Government may be generous enough, particularly with the guidance of my hon. Friend Dr. Rajan, who has had a variety of practice, from small beginnings right up to the highest level. With his advice, they may probably exempt the medical profession. But it does not prevent another Government saying 'these fellows do not require all that; we are going to put a limit; let not these practitioners practise'. There will be all sorts of arguments advanced and several cases can be propped up. Unfortunately, I am in the minority of about three members in a House so full of advocates. Anything can be propped up by argument.

"Take again, Sir, sub-clause (2) of clause 14, which says—

'No person employed in any establishment shall be required or allowed to work in such establishment for more than four hours in any day unless he has had an interval for rest of at least one hour.'

Suppose my assistant is helping me in an operation. For four hours, he may have worked. In the middle of an operation, according to this clause, I must leave him out. (Laughter.) Is that what is intended? If you want this Act to apply to the votaries of the medical profession by calling them shop-keepers, that will be the inevitable result. To whom are they to appeal? It may not be always that the originators of the Bill will be there to help them with advice. Their successors may not feel the same way as they felt. It is impossible under an Act such as this, which applies to such a large number of people, anybody can be safe under the sun.

"Then, I come to one other point, and I will not labour much on that. Hon. Members will doubtless find many other points which will be incompatible with the proper discharge of the professional duties if this Act is passed as it is, and if a certain number of these learned professions are included. I invite your attention to clause 43, which reads—

'Any Inspector may at all reasonable hours enter into any premises which is, or which he has reason to believe is, an establishment, with such assistants and make such examination of the premises and of the prescribed registers, records or notices as may be prescribed.'

It is a fundamental principle with the medical profession that there are certain records that can never be shown even to Income-tax Officers. The maintenance of privacy between the patient and the practitioner is one of the highest moral standards. (Dr. V. K. John: 'So also the legal profession.') I have certain views about

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the legal profession which may not always be complimentary to them. (Laughter.) It is not as though I am trying to save the practitioner. I ask 'how do you protect the patient?' We know that patients come to us at all times with various forms of complaints. Sir, I tell you honestly, with my experience of nearly for forty years, that there are many secrets that a medical man must not divulge. They must die and be buried or burnt with him. Are you going to allow an Inspector to inspect all my records? Is that not the implication of this particular clause? It seems to me that in the framing of this Bill, with due deference and with no intention of criticism, a little more attention and thought and careful consideration should have been bestowed. The Hon. Dr. Rajan said that the reason why they had not included Government servants was that Government were the best protectors. Sir, I have been a Government servant for a much longer period than the Hon. Dr. Rajan. (Laughter.) Let me tell you, I have been a Government servant for thirty-three years. There are many virtues in Government service, but the Government are not free from those little foibles which they rightly think that an employer may be guilty of. I have known many people, high in authority, who if they were not pleased with the attitude of their assistants, would send a confidential document against them and get them ruined and dismissed. Does the Hon. Dr. Rajan know of all the atrocities that may be committed by unscrupulous superior officers against their inferiors? I ask you, Sir, why should it be necessary for these attenders here to work for longer than four hours without rest? I hope I am not interfering with your privilege. (Laughter.) These are all Government servants, whereas I must send my assistant after four hours' work for one hour's rest. Why do you keep these attenders here for more than four hours with no rest, and then give them 15 days' leave?"

MR. PRESIDENT:—"You want this Act to apply to this House!" (Laughter.)

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"I do not plead for it, Sir. But I ask that persons who spoke so eloquently about the dignity of labour must first show that dignity to their own labour before they ask others to follow. Emulation is the best form of flattery. I am anxious that Government should emulate by their own conduct and appreciation of the principles of this Bill. And that will force me to emulate them in regard to my own employees. Sir, this is all I have got to say."

1-45
p.m.

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Sir, the Hon. Mr. Madhava Menon said that we should look at the provisions of this Bill in a dispassionate manner. I feel, Sir, that it is the other side that is not looking at it in a dispassionate manner, and that they are carried away by a sense of, what shall I say, no responsibility, at this stage ('Say anything' from Government Block.) (Laughter.) Now, Sir, I feel this Government should set an example first regarding the treatment of their servants. The Hon. Dr. Rajan said that Government servants are the best protected people. Sir, it is not the person who employs a man

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that knows whether the servant is protected well. It is the employee who should say that. I ask the Government to put that question to its Government servants, and I ask, 'can they stand that test?' In fact that was the challenge put to Mr. N. S. Varadachari by the President of the Non-Gazetted Officers' Association to resign his seat in the Assembly and contest fresh election with the latter on the question of pay and comforts to Non-Gazetted Officers. Now, Sir, the same challenge can be thrown to any Minister of this Government, and they may be asked the question, 'will your Government servants say they are the best protected people, and on that issue, can you stand an election?' "

MR. PRESIDENT :—" There are other safeguards for Government servants."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" My Hon. Friend, Mr. Madhava Menon said there should be no difference between man and man; the employee must be put on the same footing with the employer. If it is a question of dignity of labour, I, as a Muslim, feel, no man respects the dignity of labour more than the Muslims. I know several instances of masters and employees dining together, the master taking only such food as his servant eats."

MR. PRESIDENT :—" Is it always true? "

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" There may be people who do not act up to this principle. For my part, I may tell you, Sir, I take only such food as my driver takes; I take only such food as my servant takes; I do not eat more than my servant eats."

MR. PRESIDENT :—" You will be easily beaten by them." (Laughter.)

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" My driver will be able to digest what he takes as he works more than myself. Therefore, what I say is, Government should set an example for others. If Government are not going to give what their Government servants ask, then I do feel Government will not be justified in asking this Bill to be passed into law.

" Then, Sir, why do you fix six months' service? I know of servants of six months' service, when asked to bring change for the currency note, running away with the money, and never turn up at all. You want them to be relied upon and they should be given the benefit of this measure. Now, I ask, are there not temporary servants in Government; are they not sent away after the expiry of the temporary period? Why not give them also the same latitude. If this rule becomes law, many servants will be dispensed with after the expiry of five months and twenty-nine days' service.

" Now you have not prescribed any special wages for servants. What will happen if the employers give only low wages; they will say, 'I cannot give (Rs. 30 a month; I shall be able to pay only Rs. 10'. The servants will run away from their masters. There will not be loyalty in servants; they will not be love and affection

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between master and servant. So this Bill is aiming at the root of the relationship between the employer and the employee, instead of their feeling that they are working for a common cause and that their interests are one. Therefore, I say, that Government should take into consideration all the arguments that have been advanced on the floor of this House, and I do not see that anything will be lost by delaying this legislation."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, I do not want to make any long speech. Suppose there is a man on a contract of two years. On the expiry of the contract period can he go to the Inspector and complain of termination of service and claim continuance of employment? Is it reasonable for him to do so? Another question I want to put to the Hon. Minister is, suppose there is a man, who is only a monthly agent or an yearly agent; and he is discharged. He goes to the Inspector at the end of the month or the year and complains of termination of service. Is he to be kept on even though there is no business running? Suppose there is a hotel-keeper; he dismisses his servant for rude behaviour? Is he to be taken back to service in spite of that, and if so, how long? These are categorical questions I put to the Hon. Minister and I hope I will get a plain answer."

DR. V. K. JOHN :—" Sir, the interpretation of this Act is not one for the Hon. Minister to undertake. It is for a court of law to do it. Even if inspectors are appointed under this Act, they cannot go beyond their jurisdiction, it is the court of law that has to do it. I am not convinced that this Bill applies to the learned profession. Sir, having shown already, or rather attempted to show, that this Bill is mischievous and ill-conceived, I can only at this stage invite the attention of the Government to one very salutary provision in the Bill. It is section 52, wherein it says, the Provincial Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act. I ask Government to suspend all the provisions of this Act for the next ten years." (Laughter.)

THE HON. DR. T. S. S. RAJAN :—" I suppose Dr. John will find the court of law more interesting, and if the Council is dissolved he will find interesting work there than attend the Council in all matters of legislation, good, bad and indifferent. I am simply surprised that Dr. Lakshmanaswami Mudaliyar should grow very vehement, and I do not know what exactly it was that upset him. He said doctors' dispensaries and employees should not come within the purview of the provisions of this Bill. I can claim experience as the learned doctor himself, and I really see no impropriety in enforcing this Bill on them also. There are doctors with assistants with heavy work. It is but just that doctors, just like any other employer, should not overstrain their assistants. The fixation of four hours of work does not mean that if during the course of an operation the four hours' period should expire the assistant should leave the operation theatre in the middle of the operation. He can have more than one assistant. If a doctor has to work for more than four or six hours, it is not necessary that his assistants also

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should work for the same period. I certainly think it is a strain especially for an assistant surgeon to work for more than four hours. Ordinary human feeling should suggest that that sort of work should be helped and relieved. That is all that is meant. There is no indignity in this. It is absolutely human consideration that is the basis of this rule. Regarding one day's holiday, any day convenient to the interest concerned, not necessarily any particular holiday may be observed as a holiday."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"The whole shop has to be closed!"

THE HON. DR. T. S. S. RAJAN:—"If you cannot find a man to relieve the assistant for a day, the shop shall have to be closed."

DR. V. K. JOHN:—"Do doctors differ always!" (Laughter.)

THE HON. DR. T. S. S. RAJAN:—"Sir, clause 11 lays down, 'the Provincial Government may fix different hours for different shops or different classes of shops or for different areas or for different times of the year.' A more liberal provision than that cannot be put in. Therefore, it is not as if Government have surrendered its power. So the contention that the provisions will be tyrannically enforced does not stand to reason. Then, again, Dr. Lakshmanaswami Mudaliyar spoke of confidential reports being liable to be examined by inspectors. Sir, under section 43, any inspector may at all reasonable hours enter into any premises which is, or which he has reason to believe is, an establishment, with such assistants and make such examination of the premises and of the prescribed registers, records or notices as may be prescribed. Therefore this enactment does not even intend or dream of going into the registers that are kept sacred by a medical practitioner, which certainly he is entitled to keep. It is only such provisions as for working hours and as for wages and many other things that are in this Act. There is therefore absolutely no tyranny. I for one do not see any reason for the fears expressed. As far as the Government servants are concerned I may certainly tell my hon. Friend who claimed 33 years of Government service—I cannot claim to come anywhere near it but I say as one in charge of Government—that the privileges and facilities to those employed under the Government cannot be challenged. They are self-evident. The services have always attracted such keen competition one against the other. This stands as proof to the fact that the Government have employed their servants very properly. Reference was made to all sorts of cringing and all that. It is human nature. The service does not create it. I must say, Sir, that the Government deal with their servants straightly. Perhaps they have given the greatest protection to their servants more than any other institution which could be thought of. In fact as a Minister of Government I cannot dismiss anybody I like. Before I send out a man I know what it is I am doing. Take the case of the lowest village servant, the karnam, the High Court Judge and the Executive Councillor cannot displace a karnam and send

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him away although he is only a village karnam. Every one of the services in the Government is so guarded and so well-protected that I cannot accept the statement that the Government treat their servants badly. It may be that they have got the power of the union and as one of our friends said they can protest and make unreasonable demands. That is not the point. That they have got the power to protest, the power of union and the power to make themselves felt is well-recognized by the Government. Therefore I cannot be persuaded to believe that the Government is unreasonable and that it is tyrannysing its employees.

"These two clauses which I have read are sufficient to prove that all the safeguards are necessary and in case where it is not an establishment it is well-provided for and regarding the sacredness of the documents mentioned nobody will lay his hands on the registers to which my hon. Friend made reference. It is not in this Act. It is only those registers that come under the provisions of this Act that will be affected."

The motion was put and carried and the Bill was passed into law.

The House adjourned to meet again at 3 o'clock.

(After Lunch—8 p.m.)

(2) THE MADRAS NON-POWER FACTORIES BILL, 1947
(L.A. BILL NO. 16 OF 1947)—*cont.*

MR. PRESIDENT :—"Discussion on the Non-Power Factories Bill will now go on."

SRI B. NARAYANASWAMI NAYUDU :—"May I know, Sir, whether I can move the amendment, that the consideration of this Bill may be taken up this day next year?"

THE HON. SRI K. MADHAVA MENON :—"I rise on a point of order, Sir. We have already taken up consideration and the discussion has gone on. This amendment that this may be adjourned to next year should have come before you admitted and put the question."

MR. PRESIDENT :—"I have not put the question yet."

THE HON. SRI K. MADHAVA MENON :—"You have not put the question, Sir, but the discussion has already begun on the motion and the amendment that the consideration of this itself be adjourned should have been made before the discussion began."

THE HON. SRI H. SITARAMA REDDI :—"One hon. Member has already spoken on it."

SRI P. R. K. SARMA :—"I spoke on the motion, Sir, when it came up for general discussion. I was the first to speak on it."

K. UPPI SAHIB BAHADUR :—"May I know, Sir, whether a member is excluded from moving amendments?"